PATENT
CUSTOMER NO: 32425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
    Marco Cattaruzza
    Markus Hecker

Serial No.: 10/527,785

Filed: March 11, 2005

For: FUNCTIONAL CORRECTION OF THE $^{-786}$C/T-VARIANCE OF THE HUMAN eNOS-GENE

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: DEBE:053US

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.
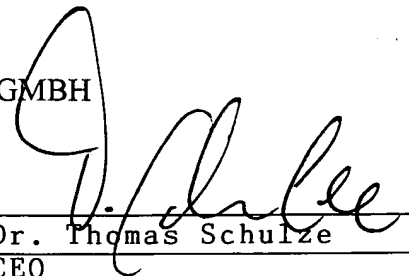
The Assignee hereby revokes any previous Powers of Attorney and appoints all attorneys or agents associated with Customer Number **32425**, each of whom is an attorney or agent with the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent, for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to AVONTEC GMBH, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Steven L. Highlander
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

ASSIGNEE:
AVONTEC GMBH

By: _____
Name: Dr. Thomas Schulze
Title: CEO

Date: 12.05.2005 _____

ASSIGNMENT:
☒ Concurrently filed
☐ Previously recorded
    Date: _____
    Reel: _____
    Frames: _____

Rec'd PTO   03 OCT 2005

D E C L A R A T I O N

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **FUNCTIONAL CORRECTION OF THE $^{-786}$C/T-VARIANCE OF THE HUMAN eNOS-GENE**, the Specification of which:

☐   is attached hereto.

☒   was filed on **March 11, 2005** as Application Serial No. **10/527,785**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
PCT/DE 2003/03028	WIPO	September 12, 2003	Yes
(Number)	(Country)	(Date Filed)	Yes/No
DE 102 42 319.9	Germany	September 12, 2002	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed

in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: None.

| (Application Serial No.) | (Filing Date) | (Status) |

| (Application Serial No.) | (Filing Date) | (Status) |

I hereby direct that all correspondence and telephone calls be addressed to Steven L. Highlander, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Marco Cattaruzza	
Inventor's Signature:	*[signature]*	Date: May 30th 2005
Country of Citizenship:	Germany	
Residence Address: (street, number, city, state, and/or country)	Försterweg 5 37077 Göttingen Germany DEX	
Post Office Address: (if different from above)		

Inventor's Full Name:	Markus Hecker	
Inventor's Signature:	*[signature]*	Date: 30-05-05
Country of Citizenship:	Germany	
Residence Address: (street, number, city, state, and/or country)	Henri-Dunant-Str. 44d 37075 Göttingen Germany DEX	
Post Office Address: (if different from above)		

25525088.1